

RESOLUTION #2009-149

RESOLUTION OF CITY COUNCIL ISSUING AN AMENDED NEGATIVE DECLARATION PURSUANT TO SEQRA FOR PROPOSED STEAMBOAT LANDING PLANNED UNIT DEVELOPMENT AMENDED PRELIMINARY SITE PLAN

WHEREAS, the Canandaigua City Council (the "City Council") received an application for an amendment to the preliminary site plan approval for the Rosepark Planned Unit Development with regard to the proposed Steamboat Landing Hotel and Conference Center (the "Project") to be located at 205 Lakeshore Drive in the City of Canandaigua, County of Ontario (the "Project Site"); and

WHEREAS, the Project Sponsor submitted an expanded Full Environmental Assessment Form ("FEAF"), a copy of which is attached and incorporated hereto as Exhibit "A", in accordance with Article 8 of the Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as the "State Environmental Quality Review Act" or "SEQRA"); and

WHEREAS, the City Council had conducted a coordinated review pursuant to SEQRA of the 1989 Roseland Planned Unit Development which resulted in the completion of an environmental impact statement, as well as conducted a further SEQRA review of an 1998 amended site plan for the Steamboat Landing project, which culminated in the issuance of a Negative Declaration on July 9, 1998, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, due to both the development changes proposed by the Project, and the passage of time since the City Council's SEQRA determination in 1998 the City Council had concluded that a new SEQRA determination was required for the Project; and

WHEREAS, the Project Sponsor, through its environmental consultants, has further submitted to the City Council an expanded analysis of the potential visual and traffic impacts related to the Project; and

WHEREAS, on April 23, 2009, the City Council adopted a resolution pursuant to 6 N.Y.C.R.R. § 617.6 declaring itself lead agency for the purpose of conducting a coordinated review of the Project pursuant to SEQRA; and

WHEREAS, the City Council notified all involved agencies on at least 30 days' notice that the City Council intended to act as lead agency pursuant to SEQRA, and no objection to the City Council assuming such status was made; and

WHEREAS, pursuant to Article XII of the City of Canandaigua Code, which sets forth the City of Canandaigua's Planned Unit Development ("PUD") Ordinance, the City Council, by resolution adopted on April 23, 2009, referred the proposed preliminary site plan amendment and supporting documentation of the Project, including but not limited to, the FEAF, to the City of

Canandaigua Planning Commission and the County of Ontario Planning Board for reports to the City Council; and

WHEREAS, the County of Ontario Planning Board and the City of Canandaigua Planning Commission submitted comments to the City Council relating to the Project; and

WHEREAS, on May 21, 2009 and May 22, 2009, Labella Associates, P.C. and SRF Associates, submitted reports to the City Council outlining their analyses of certain technical information in the FEAF and accompanying materials, in order to assist the City Council in making a determination of environmental significance for the Project pursuant to 6 N.Y.C.R.R. § 617.7; and

WHEREAS, in response to an initial analysis of the potential traffic impacts associated with the Project, further information was provided by the Project Sponsor in the form of a May 29, 2009 report by Stantec, followed by a final report made by SRF Associates on June 2, 2009; and

WHEREAS, on July 2, 2009, the City Council passed a resolution issuing a Negative Declaration pursuant to SEQRA for the Project, a copy of which is attached hereto as Exhibit "C" and

WHEREAS, on August 17, 2009, the Applicant submitted a parking assessment for the Project analyzing the parking needs for both stages of development of the Project; and

WHEREAS, on August 20, 2009, the City Council conducted a public hearing on the amended preliminary site plan during which the public submitted comments; and

WHEREAS, on August 27, 2009, Applicant submitted written responses to certain comments made by the public at the public hearing; and

WHEREAS, on August 27, 2009, the Applicant presented the Project to be built in two stages as permitted by Section 850-125 of the PUD Ordinance; and

WHEREAS, in July, 2009, the City passed a resolution authorizing the commencement of efforts to acquire the 5.4 acre parcel located adjacent to the west of the Project Site which is presently owned by Intel Management Corp. (the "Adjacent Property") either voluntarily or through eminent domain proceedings; and

WHEREAS, approximately 3.4 acres of the Adjacent Property would be owned by the Applicant, while 1.92 acres would be added to the existing City of Canandaigua parking area servicing the adjacent city-owned Lakefront Park, to the Park itself, and as a buffer between the City parking area and the adjoining Rosepark Townhome Community; and

WHEREAS, on October 19, 2009, partly in response to comments from the public and involved and interested agencies, counsel and consultants for the Applicant submitted a letter outlining proposed changes to the Project as well as supplemental information to the FEAF relating to such changes, copies of which are attached hereto as Exhibit "D;" and

WHEREAS, on October 20, 2009, the Applicant presented a revised amended preliminary site plan to the City reflecting the incorporation of the additional 3.48 acres of the Adjacent Property for purposes of maintaining green space along Lakeshore Drive; providing additional parking for the Project; and maintaining a 50-foot green space buffer between the Project and the adjoining Rosepark Townhome Community.

NOW, THEREFORE, BE IT RESOLVED BY THE CANANDAIGUA CITY COUNCIL AS FOLLOWS:

Upon thorough review and due consideration by the City Council of the FEAF; the comments and input provided by the involved and interested agencies and the public; the reports, studies, visual simulations, and analyses provided by the Project Sponsor and the City Council's environmental consultants; the October 19, 2009 letter and enclosures made by the Applicant's counsel and consultant including but not limited to a parking analysis ; and consideration and review of the revised amended preliminary site plan presented by the Applicant to the City on October 20, 2009, the City Council makes the following findings:

1. The October 20, 2009 revised amended preliminary site plan contains Project changes and revisions and references the changes in circumstances associated with same including the removal of a parking deck structure on City-owned property, the addition of approximately 3.48 acres to the Project Site, the maintenance of both a green space along Lakeshore Drive and a 50-foot green space buffer along the western border of the Rosepark Townhome Community, and the staging of the proposed development plan for the Project (collectively referred to as the "Project Changes").

2. The City Council has considered the Project and the Project Changes pursuant to the parameters and criteria set forth in 6 N.Y.C.R.R. §§ 617.2(b) and 617.3(g).

3. The City Council has carefully reviewed the supplemented FEAF, and each of the reports, studies and simulations identified above, pursuant to the criteria set forth in 6 N.Y.C.R.R. § 617.7(c), in light of the further revised preliminary site plan submitted on October 20, 2009, as well as the technical information and analyses provided by the Applicant and its environmental consultants regarding the Project Changes. Based on the submission of the further revised preliminary site plan, the City Council has determined that a change to the Project has occurred as well as a change in circumstances regarding the same as set forth under 6 N.Y.C.R.R. § 617(e)(1)(i) and (iii). Based on the foregoing analyses and information, the City Council has thoroughly reviewed the potential relevant areas of environmental concern and finds that the Project Changes will further not result in a potential significant adverse impact on the environment, but will in fact minimize certain previously identified non-significant impacts, for the following reasons:

a) The Project Changes will not have a significant potential adverse impact on land, since the Project Site is already developed and used for commercial and public parking purposes. The Project Site will now be comprised of 9.59 acres, of which 6.16 acres are already developed with roads, buildings and other impervious areas. According to the supplemented FEAF, only .25 acre of the Project Site will have additional impervious surfaces. The Project Changes will not affect any unique or unusual land forms; to the contrary, the Project Changes will preserve

from the Project (which were determined by the City Council as not presenting a potential significant adverse environmental impact).

g) The Project and Project Changes will not result in a potential significant adverse impact to historic or archaeological resources. A Phase I Archaeological study of the Project Site was conducted in 1990 and no prehistoric or historical artifacts were discovered. Nevertheless, all construction and operational activities at the Project Site shall be conducted in conformance with the requirements of the NYS Office of Parks, Recreation and Historic Preservation, as necessary.

h) The Project and Project Changes will not have a potential significant adverse impact on existing open space and recreation. The Project Site is currently developed as a commercial use including housing parking facilities. The Project will enhance the use of the Canandaigua Lady as a recreational opportunity for the community. The Project Changes will also eliminate the construction of a parking structure on the public parking lot adjacent to the Project Site, while increasing the availability of public parking for the City's Lakefront parkland by a total of 1.92 acres. The Project Changes further substantially reduce the need for off-site parking, which also reduces any potential associated traffic.

i) The Project and Project Changes will not have a potential significant adverse impact on a Critical Environmental Area as designated pursuant to 6 N.Y.C.R.R. § 617.14(g) of the SEQRA regulations.

j) The Project and Project Changes will not have a potential significant adverse impact on transportation or the existing traffic patterns and flow. Based on the analysis provided by the Project Sponsor and SRF Associates, the Project will not have a significant adverse impact on transportation operations within the Project area. Queue analysis provided for traffic entering the Project Site using existing left and right turn lanes on Lakeshore Drive demonstrated that the existing turn lanes are more than adequate for the projected traffic generated by the Project. Analysis of traffic peak hours adjusted for seasonal factors, potential trip distributions, and background growth rate adjustments at the Project Site's access points demonstrate that the overall traffic intersection levels of operations at Lakeshore Drive/Muar Street and Route 364 will remain at acceptable levels. No comments were received from the NYS Department of Transportation indicating a concern about the potential generation of traffic impacts resulting from the Project. Proposed on-site pedestrian amenities and circulation are adequate, as well as the proposed parking options available for potential guests and visitors to the Project Site. Lastly, the Project Changes result in the increase of on-site parking, thus further reducing any accompanying traffic below what was already determined by the City Council as not resulting in a potential significant adverse environmental impact.

k) The Project and Project Changes will not have a potential significant adverse impact on energy.

l) The Project and Project Changes will not have a potential significant adverse related to objectionable noise and odor.

m) The Project and Project Changes will not have a potential significant adverse impact on public health or safety.

n) The Project and Project Changes will not have a potential significant adverse impact on growth and character of the community and the neighborhood. The Project's proposed use and density is consistent with the goals and purposes of the PUD Ordinance and the comprehensive zoning plans of the City of Canandaigua. The police and fire departments have determined that an adequate capacity of services is available to handle any additional service demands presented by the Project. Lastly, the Project will not result in the City of Canandaigua's municipal budget for capital expenditures or operating services increasing annually by more than 5%; to the contrary, the increased taxes resulting from the Project will result in a positive impact to the community.

4. Based on the foregoing, the City Council finds that the Project and Project Changes will not have a potential significant adverse environmental impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The City Council thus issues an Amended Negative Declaration pursuant to 6 N.Y.C.R.R. § 617.7(e).

5. A Notice of Amended Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and as the City Council may deem advisable. The findings and conclusions relating to the determination of significance contained within the Notice of Amended Negative Declaration are hereby adopted and incorporated by reference into this Resolution as applicable.

6. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law by the Canandaigua City Council, with offices located at City Hall, 2 North Main Street, Canandaigua, New York 14424. Additional information regarding this Resolution may be obtained from Richard E. Brown, Director of the City of Canandaigua's Office of Development and Planning, with offices at City Hall, telephone number 585-396-5000, ext. 5025.

7. This Resolution shall take effect immediately upon adoption.

ADOPTED this 5th day of November, 2009.

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer